

Mr. BYRD. Yes.

Mr. CHAFEE. As manager, normally I would be the first, the one who would be recognized first, under that. I don't want to waive that.

Mr. BYRD. I ask unanimous consent that after Mr. CHAFEE is recognized, in that order, after the two leaders, then Mr. CHAFEE, if I could be recognized?

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the Senator from Alabama? Without objection, it is so ordered. The Senator from Alabama is recognized for up to 20 minutes.

Is there objection to the unanimous consent request by the Senator from West Virginia, that he would follow the Senator from Rhode Island? If not, it is so ordered.

Mr. BYRD. I thank the distinguished Senator from Alabama for his characteristic courtesy.

Mr. SHELBY. Mr. President, at this point I yield 2 minutes of my time to the distinguished Senator from Idaho.

#### NUCLEAR WASTE

Mr. CRAIG. Mr. President, today Richard Wilson, who is the Assistant Administrator for the Environmental Protection Agency's Office of Air and Radiation, has announced that they have given preliminary certification to the waste isolation pilot plant in Carlsbad, NM. To Idaho and to the Nation, this is good news, because for the first time in decades we are on the threshold of beginning to move radioactive waste to a permanent repository, and the waste isolation pilot plant in Carlsbad will handle the transuranic waste, a majority of which is stored in my State of Idaho. This is consistent with an agreement that DOE struck with the State of Idaho over a year ago. EPA's action today is also consistent with a request by Congress that EPA review the facility in Carlsbad, NM, to make sure that it met the standards that we had asked for human safety, environmental protection, and of course dealing with any potential radiation. They believe it does not. Now they must go to the public process.

We hope they will move as quickly as possible in that, because Idaho and the rest of the country deserves to know that by 1998 we will begin to see nuclear waste moving to a safe, permanent repository that this Government and this Senate has asked for well over a decade ago.

I thank my colleague from Alabama for yielding.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield 1 minute to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

#### LET LIVAN BE SEEN

Mr. MACK. Mr. President, tonight millions of Americans will settle into

their easy chairs to watch game 5 of the World Series. They will see 22-year-old Cuban-born pitching sensation Liván Hernández take the mound in his second World Series start for the Florida Marlins.

And for the first time in this Series, the people of Cuba may have the opportunity to join the millions around the world to cheer Liván. Thanks to the graciousness of Major League Baseball and interim Commissioner Bud Selig—Radio and TV Martí will broadcast tonight's game to the people of Cuba.

Now it is up to Fidel Castro to allow his people to watch their hero pitch. Cuba has consistently jammed Martí's broadcast signal. But tonight should be different. Tonight should be special because it is Liván's night.

Mr. Castro, I have a message for you from the American people and baseball fans everywhere: Stop the jamming. Let Liván be seen in Cuba.

For the good of your people and for the good of the game we all love so dearly, please, let Liván be seen.

The PRESIDING OFFICER. The Senator from Alabama.

#### UNITED STATES-CHINA SUMMIT

Mr. SHELBY. Mr. President, this weekend, Chinese President Jiang Zemin arrives in the United States for the first state visit by a Chinese official since 1985. As you know, China has been described by many experts as the No. 1 foreign policy challenge that the United States will face in the 21st century. Next week's summit will help set our course as we respond to that challenge.

I have traveled to China six times since I first visited in 1983. Most recently, I traveled to Beijing, Shanghai and Hong Kong during the August recess where I met with numerous senior Chinese leaders, including the Chinese Foreign Minister.

In my many visits and contacts, I have witnessed the enormous, and overall positive, changes that have taken place in China since the death of Mao. Yet, while China today is clearly not the China of the cultural revolution, neither is it a "former Communist country," as President Clinton has suggested.

As chairman of the Senate Select Committee on Intelligence, I am especially interested in Chinese foreign and military policies and Chinese intelligence activities, particularly those that pose potential threats to vital American interests. Last month, I convened in the Intelligence Committee exhaustive hearings into Chinese threats to United States national security, including the reported Chinese plan to influence United States elections.

I am well aware that there is no country that poses such risks, such opportunities, and such dilemmas for United States foreign and security policy. It is clear that China today, as an emerging economic and military power

in the post-cold war, has the option, and increasingly the will, to challenge vital United States interests around the globe.

It is equally clear that despite the demise of communism virtually everywhere around the globe, and despite China's extensive and impressive economic liberalization, the Chinese regime remains determined to maintain its repressive domestic political system.

I will shortly address these issues in greater detail, but, first, I would like to make just a few general points.

When President Clinton meets with President Jiang, he will have the opportunity to define the United States-China relationship in a way that defends vital United States interests and promotes the values upon which our country was founded, while recognizing at the same time legitimate Chinese interests and aspirations.

But President Clinton, I believe, must make it clear that if China wishes to be accepted as a responsible world power, it must act as a responsible world power. If China wishes to work together to promote peace and stability in the region and the world at large, as President Jiang suggested in a press interview last weekend, it must not undermine peace and stability in Asia and around the world by reckless and aggressive actions. And President Jiang, I believe, is wrong when he invokes, for example, Einstein and the theory of relativity to justify China's refusal to comply with norms and ideals which, while not yet universal, are on the march worldwide.

Relativity, as most of you know, is an immutable law of physics. Relativism is something altogether different, and it is not a concept to which we as Americans subscribe.

President Clinton, I believe, must respectfully make it clear that the President of China is wrong when he says that "democracy and human rights are relative concepts and not absolute and general."

Our Founding Fathers did not speak in relative terms when they wrote:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

The courageous demonstrators in Tiananmen Square echoed these ideals when they tried to peacefully exercise their right of consent. They adopted our Statue of Liberty as their symbol, and we saw it brutally destroyed by Chinese tanks on TV.

In one final general point, we sometimes hear the refrain from the Chinese that they do not wish to be bound by sets of rules and norms that they had no say in creating.

There are certain truths that are not limited by time and geography, and the "inalienable Rights" spoken of by the

Founding Fathers, I believe, are among them.

Proliferation and security issues are very important. With the end of the cold war, and the end of the Soviet massive military threat that had provided the glue for the United States-China relationship since its beginning, China has increasingly been willing to challenge core United States interests, by the destabilizing proliferation of weapons technology, and by direct and indirect threats against United States friends and allies.

In June of this year, the CIA's non-proliferation center reported that China was "the most significant supplier of [weapons of mass destruction]-related goods and technology to foreign countries" in the second half of 1996.

China's sales of antiship cruise missiles, ballistic missile technology, chemical weapons, materials and nuclear technology to Iran, a hostile country whose military forces threaten United States interests in an area of vital national concern, directly endanger the lives of American soldiers, sailors and airmen, and, as we know, threaten our ability to defend our interests in the region.

Further, these same weapons serve to intimidate our friends and our allies in the Persian Gulf region. The last time the United States was compelled to defend its interest in the region in Operation Desert Storm, we were able to create a coalition of friendly states, many of which were willing to accept the deployment of United States forces on their soil. Who can say, though, in the future that our allies would respond in the same way in a future conflict if they were faced by a credible threat of Iranian missiles bearing nuclear, chemical or biological warheads?

The threat from Chinese technology sales is not limited, Mr. President, to weapons of mass destruction. Accurate, conventionally armed missiles, especially antiship cruise missiles like the C-802's that China has sold to Iran, pose a serious danger to United States forces. Remember the U.S.S. Stark. Bear in mind that the single greatest American loss of life in the Persian Gulf war occurred when an Iraqi Scud missile with a conventional payload struck a barracks in Dhahran, Saudi Arabia.

It is difficult to speak of "working together to promote peace and stability" when, for example, China has reportedly supplied Iran with hundreds of missile guidance systems, and in the second half of 1996 contributed "a tremendous variety of assistance" to Iran's missile program, according to the CIA.

The transfer of nuclear and missile technology to Pakistan, despite repeated United States objections, jeopardizes the stability of South Asia and flies in the face of United States non-proliferation goals, even though it is less of a direct threat to United States forces. But by increasing the likelihood of a nuclear war that could kill mil-

lions of innocent people, China jeopardizes its claim to be seen as a responsible world power.

It is in this context that we consider the administration's reported plans to announce the implementation of the 1985 United States-China Agreement for Nuclear Cooperation. This agreement cannot, by law, be implemented until the President certifies to Congress that China has met a number of conditions, notably, one, that effective measures are in place to ensure that any United States assistance is used for the intended peaceful activities; and, two, China has provided additional information on its nuclear non-proliferation policies, and that based on this and all other information, including intelligence information, China is not in violation of paragraph 2 of section 129 of the Atomic Energy Act which, among other things, bars United States nuclear assistance to any country that has assisted any other country to acquire nuclear capabilities and has failed to take sufficient steps to terminate such assistance.

According to press reports, Mr. President, China has made or is willing to make a number of commitments in order to obtain this certification. United States diplomats are now in Beijing trying to nail down an agreement on these issues. And at this stage, after years of hair splitting and denying with respect to similar commitments in the past—hair splitting and denial, I might add, on the part of both Governments—these commitments must be, I believe, unambiguous and in writing if they are to convince the United States Congress.

Just last week, China joined the Zangger Committee, which imposes some modest controls on nuclear exports. The administration also reportedly believes that China has complied with its May 1996 commitment not to provide assistance to any unsafeguarded nuclear facility.

In addition, China has reportedly agreed to cease selling antiship cruise missiles to Iran. While agreement on nuclear cooperation is not conditioned on such transfers of advanced conventional weapons, it would certainly be difficult for the administration to argue for nuclear cooperation while China was continuing to sell advanced munitions that could be targeted on U.S. naval vessels protecting freedom of navigation in the Persian Gulf.

As a result of these actions, and other actions, administration officials believe they can make the statutorily required certification, if not at the summit, then in the foreseeable future. If and when such a certification is made, the Congress will have the opportunity to review and, if necessary, overturn this certification.

As chairman of the Intelligence Committee, I am asking the Director of Central Intelligence to provide the Intelligence Committee with the information upon which the administration would base its determination. The com-

mittee will also closely scrutinize this intelligence to ensure that it does support the administration's determination, whatever it is.

But, Mr. President, without prejudging my decision, should the matter come before the Senate, I have the following concerns about early implementation of a nuclear agreement. It seems likely today, Mr. President, and for the immediate future that China lacks the military forces to seriously challenge the U.S. military power in the region.

However, Mr. President, as the only great power whose defense spending has increased in recent years, China is acquiring advanced missile, naval, air, amphibious, and other forces capable of projecting power in East Asia and the Pacific region.

In addition, Mr. President, the Chinese military apparently has learned the lessons of the American victory in the Persian Gulf war, which demonstrated the superiority of modern technology.

Second, in its commitments to date, China has, in effect, agreed only to control sales to unsafeguarded nuclear facilities. This commitment sounds useful on its face, but it is potentially meaningless in countries like Iran and Pakistan that are reportedly pursuing a clandestine military program, because equipment, materiel, and know-how from safeguarded facilities can be transferred to other unsafeguarded facilities, as we all know.

Third, Mr. President, the Congress will want to closely scrutinize the text of any commitments by the Chinese Government.

In particular, I believe we must ascertain whether these recent promises are limited to halting any future cooperation or trade in strategic technology or, Mr. President, whether they also apply to ending existing contracts and transactions that have been ongoing.

If they are only to apply to future activities, then I would be concerned that a whole host of ongoing and dangerous cooperative ventures between China and Iran and other countries would in effect be "grandfathered" and thus not prohibited.

Fourth, China must recognize that mere grudging compliance with the letter of its international agreements does not make China a responsible member of the world community. I believe, Mr. President, that China must go beyond a narrow reading of its obligations to demonstrate by actions as well as words that it accepts, as it has not done in the past, that the spread of dangerous and destabilizing military technologies is not in anyone's interest, including China's.

China, I believe, should, therefore, cease its cooperation with all Iranian nuclear, missile, and other military programs, even if a particular transaction may be permissible under the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime, or other international legal agreements.

I would like to know, Mr. President, how the Chinese foreign and military policy in Asia will work in the future.

In the wake of the cold war, China, which for years viewed the U.S. presence in East Asia and the Western Pacific as a stabilizing force, now resents a security structure that is increasingly viewed as intended—to quote some of them—to “contain” China. Most troublesome, China has shown a willingness to pursue its goals in the region by the threat or use of force.

Mr. President, as we were reminded in last year’s Taiwan Straits crisis, Beijing has never renounced the use of force to reunify Taiwan with the mainland.

President Clinton, I believe, will have an opportunity to have a serious discussion with the Chinese President about how bracketing Taiwan with missiles, followed by a thinly veiled threat against the United States, comports with his stated goals of “maintaining peace and stability in the region and the world at large.”

Our President also must make clear, I believe, our determination that the Taiwan issue be resolved peacefully so that China will never be tempted to resolve it by force.

In addition, Mr. President, to tension over Taiwan, China has used and threatened force to enforce its other claims in the South China Sea. This undermines a lot of allies and friends.

It seems likely that today and for the immediate future, Mr. President, China lacks the military forces to seriously challenge U.S. military power in the region. However, as the only great power whose defense spending has increased in recent years, China is certainly acquiring advanced missile, naval, air, amphibious and other forces capable of projecting power, as I reminded my colleagues just a few minutes ago.

Mr. President, to speak of human rights in the area there, in 1996, in a damning and exhaustive report on Chinese human rights practices, the State Department concluded that “almost all public dissent against the central authorities was silenced by intimidation, exile, or imposition of prison terms or administrative detention.”

In addition to its suppression of political dissent, China continues to maintain a cruel and massive network of forced labor camps. They continue also an inhumane one-child policy, including forced abortion, repression of religious groups, use of forced labor, and ongoing repression in Tibet.

President Clinton, I believe, must place President Jiang on notice that Americans are offended by the notion that human rights are “relative” and that their practices fit within an acceptable definition of human dignity.

I believe, Mr. President, we must ask ourselves, how much real progress can we make in our relationship with China as long as the regime feels compelled to stamp out every ounce of political dissent and believes that it can-

not survive without the “laogai” labor camp system?

Mr. President, on a somewhat more positive note, economic developments, both within China and between China and the United States, continue to generally move in the right direction. However, we encourage China to continue to take the painful but necessary steps to qualify China for membership in the World Trade Organization, notably in the area of opening China’s markets. The sooner they do, I believe, the better off they will be.

We are also encouraged to see some meaningful progress on the protection of intellectual property rights.

Americans support China in its search for prosperity for its people. But we do not, Mr. President, support, and will not tolerate, attempts to build prosperity by ignoring the rules of international trade. Nor will Americans support prosperity built, even in part, on the backs of forced laborers or prosperity that is the result of a Faustian pact in which the Chinese people are forced to effectively surrender their political and human rights in return for economic growth.

Mr. President, let me sum up and be clear on where I stand. I support, as most of us do, a strong United States-China relationship, and I have always done so. President Clinton can work with President Jiang to raise Sino-United States relations to a new high level, as the Chinese President has requested.

But to truly protect American interests and reflect American values, this relationship cannot be based on ceremony alone. We cannot gloss over problems or sweep them under the rug or keep them unfulfilled—and unenforced—as promises.

I believe, Mr. President, it must be based on responsible international behavior with respect to nonproliferation and on refraining from the threat or use of force. Our relationship must be based on steady and consistent progress toward political as well as economic freedom in China.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate majority leader is to be recognized.

In his absence, the Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I had wanted to take the floor to speak on the highway bill, but Mr. CHAFEE was here and he indicated he wanted to get the floor first. As he is the manager of the bill, I have no quarrel with that, so I will not speak on that subject at the moment. I also indicated I would expect to follow both leaders. Inasmuch as none of these aforementioned Senators is seeking recognition at this time, I have sought recognition and will speak briefly but not talk at the moment on the highway bill.

#### LINE-ITEM VETO

Mr. BYRD. Mr. President, I will speak with reference to the so-called

line-item veto of the fiscal year 1998 Military Construction Appropriations Act.

I received a letter today from Mr. Franklin D. Raines, Director of the Executive Office of the President, Office of Management and Budget, which I shall read into the RECORD. The letter is dated October 23, 1997. It is addressed to me. It reads as follows:

I am writing to provide the Administration’s views on S. 1292, the bill Disapproving the Cancellations Transmitted by the President on October 6, 1997.

We understand that S. 1292 would disapprove 36 of the 38 projects that the President canceled for the FY 1998 Military Construction Appropriations Act. The Administration strongly opposes this disapproval bill. If the resolution were presented to the President in its current form, the President’s senior advisers would recommend that he veto the bill.

The President carefully reviewed the 145 projects that Congress funded that were not included in the FY 1998 Budget. The President used his authority responsibly to cancel projects that were not requested in the budget, that would not substantially improve the quality of life of military service members and their families, and that would not begin construction in 1998 because the Defense Department reported that no design work had been done on it. The President’s action saves \$287 million in budget authority in 1998.

While we strongly oppose S. 1292, we are committed to working with Congress to restore funding for those projects that were canceled as a result of inaccuracies in the data provided by the Department of Defense.

Sincerely, Franklin D. Raines, Director.

The letter indicates that an identical letter was sent to the Honorable TED STEVENS.

Mr. President, we have all heard that the devil is in the details and that it is advisable always to read the fine print. I take the floor at this time, as I have indicated already, just mainly because nobody else is seeking recognition and I am waiting an opportunity to talk further with respect to the highway bill.

Now, as I look at this letter more closely, it says—I have already read it in its entirety—it says in part, “The Administration strongly opposes this disapproval bill. If the resolution were presented to the President in its current form, the President’s senior advisers would recommend that he veto the bill.”

Now, early today, Senator STEVENS, the chairman of the Appropriations Committee, met with the Appropriations Committee and discussed a measure of disapproval of the President’s cancellation of 36 of the 38 projects from the fiscal year 1998 Military Construction Appropriations Act. The committee met and reported out the disapproval measure by a very wide margin. I think that only two votes were cast against reporting the measure. So that has been done.

With reference to the letter from Mr. Raines, let me say at the beginning, I have great respect for Mr. Raines, the Director of the Office of Management and Budget. He is a very able director and a very honorable man, as far as I